

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

JOHN P. McDAID, SCOTT WALTERS, JODI SIEGEL, JEFFREY KAUFMAN, KEVIN UNGER, ALAN CORDOVER, JARRED LOKIETZ and BRANDON TARAGANO on behalf of themselves and all others similarly situated,

DEFENDANTS

DRAFTKINGS, INC. and FANDUEL, INC.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
See attachment A

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Class action pursuant to Fed.R.Civ.P. 23 for violations of state consumer fraud statutes and other other civil claims. See attachment A.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT		PERSONAL INJURY		PERSONAL INJURY		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110	INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS					
<input type="checkbox"/> 120	MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	<input type="checkbox"/> 400 STATE					
<input type="checkbox"/> 130	MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	21 USC 801	<input type="checkbox"/> 423 WITHDRAWAL	REAPPORTIONMENT					
<input type="checkbox"/> 140	NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 690 OTHER	28 USC 157	<input type="checkbox"/> 410 ANTITRUST					
<input type="checkbox"/> 150	INSTRUMENT	SLANDER	PRODUCT LIABILITY			<input type="checkbox"/> 430 BANKS & BANKING					
<input type="checkbox"/> 151	RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL			<input type="checkbox"/> 460 COMMERCE					
<input type="checkbox"/> 152	OVERPAYMENT &	EMPLOYERS'	INJURY PRODUCT			<input type="checkbox"/> 480 DEPORTATION					
<input type="checkbox"/> 153	ENFORCEMENT	LIABILITY	LIABILITY			<input type="checkbox"/> 470 RACKETEER INFLU-					
<input type="checkbox"/> 154	OF JUDGMENT	<input type="checkbox"/> 340 MARINE	PERSONAL PROPERTY			ENCED & CORRUPT					
<input type="checkbox"/> 155	MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD			ORGANIZATION ACT					
<input type="checkbox"/> 156	RECOVERY OF	LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING			(RICO)					
<input type="checkbox"/> 157	DEFAULTED	<input type="checkbox"/> 360 MOTOR VEHICLE				<input type="checkbox"/> 480 CONSUMER CREDIT					
<input type="checkbox"/> 158	STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE				<input type="checkbox"/> 490 CABLE/SATELLITE TV					
<input type="checkbox"/> 159	(EXCL. VETERANS)	PRODUCT LIABILITY									
<input type="checkbox"/> 160	RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL									
<input type="checkbox"/> 161	OVERPAYMENT	INJURY									
<input type="checkbox"/> 162	OF VETERAN'S	<input type="checkbox"/> 362 PERSONAL INJURY -									
<input type="checkbox"/> 163	BENEFITS	MED MALPRACTICE									
<input type="checkbox"/> 164	STOCKHOLDERS										
<input type="checkbox"/> 165	SUITS										
<input type="checkbox"/> 166	OTHER										
<input type="checkbox"/> 167	CONTRACT										
<input type="checkbox"/> 168	CONTRACT										
<input type="checkbox"/> 169	PRODUCT										
<input type="checkbox"/> 170	LIABILITY										
<input type="checkbox"/> 171	FRANCHISE										
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Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$ 5,000,000 OTHER \_\_\_\_\_

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

JUDGE Hon. Gregory H. Woods DOCKET NUMBER 1:15-cv-07963

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32)

(PLACE AN x IN ONE BOX ONLY)

- ORIGIN**
- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from (Specify District)    ☐ 6 Multidistrict Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented    ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

- BASIS OF JURISDICTION**
- ☐ 1 U.S. PLAINTIFF    ☐ 2 U.S. DEFENDANT    ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)    ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 8	<input type="checkbox"/> 8

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)  
See attachment A

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)  
See attachment A

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS    ☒ MANHATTAN  
(DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 10/16/15 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO☒ YES (DATE ADMITTED Mo. 1 Yr. 2001)

Attorney Bar Code #

3940475

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajlick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

## Attachment A

### Attorneys for Plaintiffs and the Proposed Classes:

Howard T. Longman, Esq. (HTL2489)

Melissa Emert, Esq.

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Gary S. Graifman, Esq.

Randy J. Perlmutter, Esq.

KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C.

747 Chestnut Ridge Road

Chestnut Ridge, New York 10977

Tel: (845) 356-2570

### Cause of Actions:

I) Negligent Misrepresentation

II) Fraud and Misrepresentation

III) Violation of the New York Deceptive Acts and Practices Law (N.Y. Gen. Bus. § 349, et seq.)

IV) Violation of the New York False Advertising Law (N.Y. Gen. Bus. § 350, et seq.)

V) Violations of the Florida Deceptive and Unfair Trade Practices Act

VI) Violation of the New Jersey Consumer Fraud Act (NJCFA)

VII) Unjust Enrichment

### Plaintiffs' Addresses and Counties:

John P. McDaid, Rockville Centre, Nassau County, New York; Scott Walters, Merrick, Nassau County, New York; Jodi Siegel, Berkeley Heights, New Jersey; Jeffrey Kaufman, Parkland, Florida; Kevin Unger, Parkland, Florida; Alan Cordover, Parkland, Florida; Jarred Lokietz, Parkland, Florida; Brandon Taragano, Parkland, Florida.

### Defendants' Addresses and Counties:

DraftKings, 225 Franklin St. Boston, Massachusetts 02110; FanDuel, 1375 Broadway, New York, New York 10018.